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Electronically Filed October 31, 2007

8 **UNITED STATES BANKRUPTCY COURT**

9 **DISTRICT OF NEVADA**

10 In re:
11 USA COMMERCIAL MORTGAGE COMPANY,
12 USA CAPITAL REALTY ADVISORS, LLC,
13 USA CAPITAL DIVERSIFIED TRUST DEED
14 FUND, LLC,
15 USA CAPITAL FIRST TRUST DEED FUND, LLC,
16 USA SECURITIES, LLC, Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**NOTICE OF ENTRY OF ORDER
SUSTAINING OBJECTION OF USACM
TRUST TO ROSS DELLER'S CLAIM
FILED IN WRONG DEBTOR'S CASE;
AND SUSTAINING OBJECTION OF
DTDF TO PROPOSED ALLOWANCE OF
CLAIM; AND CERTIFICATE OF
SERVICE**

Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.

17 **Affects:**
18 All Debtors
19 USA Commercial Mortgage Company
20 USA Capital Realty Advisors, LLC
21 USA Capital Diversified Trust Deed Fund, LLC
22 USA Capital First Trust Deed Fund, LLC
23 USA Securities, LLC

22 **PLEASE TAKE NOTICE** that on the 29th day of October 2007, the Court in the
23 above-captioned case entered its Order Sustaining Objection of USACM Trust to Ross
24 Deller's Claim Filed in Wrong Debtor's Case; and Sustaining Objection of DTDF to
25 Proposed Allowance of Claim, a copy of which is attached hereto.

26 ///

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2 DATED this 30th day of October 2007.

3 **LEWIS AND ROCA LLP**

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13 **CERTIFICATE OF SERVICE**

14 I certify that a copy of the foregoing was served via first class mail, postage
15 prepaid, addressed as set forth below, on this 31st day of October, 2007 to:

16 Ross Deller
17 1469 Harmony Hill
18 Henderson, NV 89014

19 By /s/ Tamika Shauntee

20 Tamika Shauntee, Lewis and Roca LLP

21

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25

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Entered on Docket
October 29, 2007

A handwritten signature in black ink, appearing to read "R. B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
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Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

ORDER SUSTAINING OBJECTION OF USACM TRUST TO ROSS DELLER'S CLAIM [NO. 10725-00040] FILED IN WRONG DEBTOR'S CASE; AND SUSTAINING OBJECTION OF DTDF TO PROPOSED ALLOWANCE OF CLAIM

Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.

1 The Court having considered the "Objection of USACM Trust to Ross Deller's
2 Claim Filed in Wrong Debtor's Case; Objection of DTDF to Proposed Allowance of
3 Claim" [Docket No. 4805] (the "Objection"); with appearances as set forth in the record at
4 the hearing noted above; appropriate notice of the Objection having been given; no
5 response to the Objection having been filed; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

7 1. The Objection is sustained;
8 2. Proof of Claim No. 10725-00040 is disallowed in its entirety as against USA
9 Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC ("DTDF");
10 and
11 3. Ross Deller's equity interest in DTDF is allowed in the amount of
12 \$48,047.32 for account no. 5353, as reflected in DTDF's books and records as of April 13,
13 2006.

14 PREPARED AND RESPECTFULLY SUBMITTED BY:

15 **LEWIS AND ROCA LLP**

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32 *Attorneys for USA Capital Diversified
33 Trust Deed Fund, LLC*

**RULE 9021 DECLARATION**

1 In accordance with Local Rule 9021, the undersigned certifies:

2

3 The Court waived the requirements of LR 9021.

4 I have delivered a copy of the proposed order to the Office of the United States

5 Trustee and the parties who filed papers in response to the Objection or appeared at

6 the hearing noted above, and each has:

7

8 approved the form of this order; and/or

9 waived the right to review the order; and/or

10 failed to file and serve papers in accordance with LR 9021(c); and

11 the following have disapproved the form of the order:
n/a

12 No opposition was filed to the objection and no other party or counsel appeared at

13 the hearing.

14 **LEWIS AND ROCA, LLP**

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19 # # #

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